

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD JEFFERSON Jr.,

Plaintiff,

v.

KATHY ALVES, *et al.*,

Defendants.

Case No. C06-5479RJB

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Before the court is a motion to compel discovery (Dkt. # 56).

Local Rule 37 (a)(2) requires a good faith effort to confer with opposing counsel prior to bringing a motion to compel. Plaintiff does not indicate such an effort took place (Dkt. # 56). Defendant Alves asks to have the motion denied on that basis, and because she is a contract health care provider who does not have access to the documents plaintiff is seeking (Dkt. # 57).

The court does not reach the merits of a motion to compel where the parties have not made a good faith effort to meet and confer. The court expects plaintiff to contact counsel by letter and attempt to resolve this dispute prior to seeking court intervention. As plaintiff is incarcerated, a face

1 to face meeting will not be required.

2 The motion to compel is **DENIED WITHOUT PREJUDICE**. The Clerk of Court is
3 directed to send a copy of this Order to plaintiff and to counsel for defendants.

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5 DATED this 19 day of June, 2007.

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7 /S/ J. Kelley Arnold

8 J. Kelley Arnold

9 United States Magistrate Judge
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